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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,474	08/13/2001	Philip Cunetto	P19740.P05	6140
7055	7590	01/12/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			MERED, HABTE	
			ART UNIT	PAPER NUMBER
			2662	

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/927,474

Applicant(s)

CUNETTO ET AL.

Examiner

Habte Mered

Art Unit

2662

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 8-11, 17, 19-26 and 28.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). 10/07/2005
13. ☐ Other: _____.

HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNICAL CENTER 2600

Continuation of 11. does NOT place the application in condition for allowance because: The amendment after final rejection filed on 16 December 2005 has been fully considered but Applicant's arguments are not persuasive. The Applicant has failed to address adequately the 103 rejections for independent claims 8, 17, 20, and 25.

1) Applicant argues in the Remarks, in the last paragraph of page 9 and in the first and second paragraphs of page 10, with respect to independent claims 8, 17, 20, and 25, that Gallant does not teach that authentication of a subscriber can be done if the subscriber attempts to access the ATM network from any port other than the port originally registered to the subscriber in the ATM network. Examiner respectfully disagrees with the Applicant's conclusion and further points out the 103 rejections to claims 8, 17, 20, and 25 are based on the combination of the teachings of Gallant and Zhou. It appears that the Applicant is not questioning the Examiner's position stated in the Office Action dated 07/22/2005 that Gallant adequately teaches a subscriber can be authenticated successfully in his system so long as the subscriber originates his call from a port associated with the subscriber in the system. Therefore, Gallant teaches accessing the ATM network from a port already associated with the subscriber and also authenticating a subscriber originating a call from a port registered to the subscriber. The Examiner would like to point out that as long as the remote port is somehow associated with the subscriber then Gallant's established authentication method for registered ports will automatically apply. Hence, Gallant fails to teach a method of associating the subscriber with a remote port and a method of accessing the remote port. As stated in the Office Action of 07/22/2005, Zhou teaches a method of associating a remote port with a subscriber and the ability of the subscriber to access the ATM network via the remote port other than the original port registered to the subscriber. Zhou further explains that using the techniques of mobile ip and the mechanisms of VLR and HLR a subscriber can access the atm network via a remote port and gets authenticated via the VLR and HLR mechanisms. Based on the teachings of the combination of Gallant and Zhou, it would be obvious to one of ordinarily skilled in the art that each time a call is initiated from a remote port not associated with the subscriber, the care-of-address generated using Zhou's method is authenticated using mobile ip's VLR and HLR and further authenticated using the method already established by Gallant.

2) Applicant argues on page 11 in lines 1-5 that Gallant fails to indicate use of password in the signalling protocol message. Examiner respectfully disagrees with the Applicant's conclusion. First it is very well known in the art using username and password as part of implementing network security when end users try to access a network resource administered by an ISP. This is particularly the case when end users access a remote network via analog or digital or cable modems. Further it is very clear, to a system like that of Gallant's that has immunity to malicious attack, a password protection means is trivial and inherent. See Paragraphs 14 and 78 description of Gallant's scheme's to prevent denial of service.

3) Applicant argues on page 11, second paragraph that Zhou describes a hybrid wireless/ATM network in which location management is performed only by the wireless network and not the ATM network and relies on mobile ip standard. Examiner respectfully disagrees with Applicant's conclusion. First the Applicant clearly concurs with the Examiner that Zhou adequately teaches location management and the dispute centers on what type of platform is used to implement the concept of location management. Even though the Examiner does not appreciate the impact of the platform difference, it is clear from Zhou's teachings as seen in Figure 1 and Page 379, Column 1, Lines 1-10, the location management scheme is applied to an ATM wireless network of which the core ATM network is part of it. Since none of the claims restrict use of mobile ip standard the Examiner sees no apparent contradiction.